

06-20-01

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1033 U.S. PTO
09/884566
10/61/99
06/19/01

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No: 27866/37497

CONTINUING APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)

**Box Patent Application
Commissioner for Patents
Washington, D.C. 20231**

Sir:

This is a request under 37 CFR 1.53 for filing a

- ☐ continuation application.
☒ divisional application.

1. Particulars of Prior Application

Application Serial No: 09/407,715
Filed on: September 28, 1999
Title: CREBa ISOFORM
Art Unit: 1635
Examiner: T. Larson, Ph.D.
Prior Docket No.: 27866/36300

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Continuing Application Transmittal Under 37 CFR 1.53(b) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **June 19, 2001**, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EL564458866US.


Richard Zimmermann

2. This request is filed by:

1. Full Name of Inventor	Family Name Keegan	First Given Name Kathleen	Second Given Name S.
Residence & Citizenship	City Mercer Island	State or Foreign Country Washington	Country of Citizenship United States of America
Post Office Address	Post Office Address 5812 West Mercer Way	City Mercer Island	State & Zip Code/Country Washington, 98040

3. Amendments

- ☐ Amend the specification by inserting before the first line the sentence:
--This is a of U.S. application Serial No. , filed .--
- ☒ Cancel claims 1-11 and 16-28 in the prior application before calculating the filing fee.
- ☒ A Preliminary Amendment is enclosed.
- ☒ The filing fee is based upon entry of the foregoing amendment(s) (if any).

4. Copy of Prior Application

The enclosed is a copy of the prior complete application, including the specification (with claims), the oath or declaration, and any amendments referred to in the oath or declaration filed to complete the prior application.

5. Sequence Listing

The Sequence Listing in this application is identical to the Sequence Listing in the prior application serial no. 09/407,715. Pursuant to 37 C.F.R. 1.821(e), no computer readable copy of the Sequence Listing is submitted with this application.

6. Incorporation By Reference

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under paragraph 4, above, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

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7. **Assignment**

The prior application is assigned of record to ICOS Corporation, and has been recorded at Reel No. 8536, Frame No. 0483.

8. **Small Entity Status**

☒ Applicant claims small entity status. See 37 CFR 1.27.

☒ A small entity statement is attached.

9. **Other Documents**

The following documents are being submitted with this application as filed in the prior application.

☒ Statement Accompanying Form PTO-1449

☒ Information Disclosure Statement

10. **Application to Be Published**

☒ Yes.

☐ No. A Request and Certification Under 35 U.S.C. §122(b)(2)(B)(i) is attached.

11. **Fee Calculation**

CLAIMS AS FILED - INCLUDING PRELIMINARY AMENDMENT (IF ANY)						
			SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	NO. FILED	NO. EXTRA	RATE	FEE	RATE	FEE
BASIC FEE				\$355.00		\$710.00
TOTAL	4 -20	= 0	X 9 =	\$0.00	X 18 =	\$0.00
INDEP.	1 - 3	= 0	X 40 =	\$0.00	X 80 =	\$0.00
<input type="checkbox"/> First Presentation of Multiple Dependent Claim			+ 135 =	\$0.00	+ 270 =	\$0.00
Filing Fee:				\$355.00	OR	\$

12. **Method of Payment of Fees**

☒ Attached is a check in the amount of:

\$355.00

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☐ Charge Deposit Account No. 13-2855 in the amount of: \$ _____
A copy of this Transmittal is enclosed.

13. Deposit Account and Refund Authorization

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

Please refund any overpayment to Marshall, O'Toole, Gerstein, Murray & Borun at the address below.

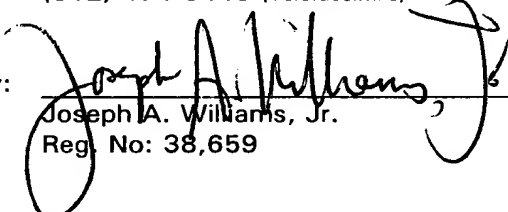
14. Correspondence Address

Customer No.: 04743

Respectfully submitted,

MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BORUN
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402
(312) 474-6300
(312) 474-0448 (Telefacsimile)

By:



Joseph A. Williams, Jr.
Reg. No: 38,659

June 19, 2001

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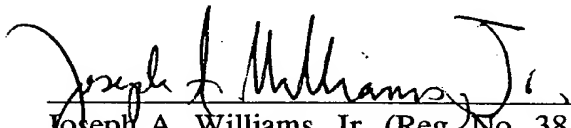
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09/884566
06/19/01

PATENT

Atty. Docket No.: 27866/33487

#5
HP
4-12-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:)	I hereby certify that this paper is being
)	deposited with the United States Postal
Kathleen S. Keegan)	Service as first class mail, postage
)	prepaid, in an envelope addressed to:
Serial No.: 08/721,684)	Assistant Commissioner for Patents,
)	Washington, DC 20231 on this date:
Filed: September 27, 1996)	
)	April <u>22</u> , 1997
For: Novel CREBa Isoform)	
)	
Group Art Unit: TBD)	
)	
Examiner: TBD)	
)	
)	
)	Joseph A. Williams, Jr. (Reg. No. 38,659)
)	Agent for Applicant

STATEMENT ACCOMPANYING FORM PTO 1449

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

In compliance with Title 37 of the Code of Federal Regulations, §1.97 *et seq.*, Applicant hereby files with the statement a Patent and Trademark Office Form PTO-1449 which lists twelve (12) documents either referred to in the specification for the above-identified patent application or related to the subject matter of the claims. A copy of each listed document is submitted herewith. The prior art status of any document is not admitted.

I. The Subject Matter of the Claims

The subject matter of the claims relates generally to a novel isoform of the cyclic AMP regulatory element binding protein (CREB), polynucleotides encoding the polypeptide, expression constructs comprising the polynucleotides, host cells transformed with the polynucleotides, methods to produce the polypeptide, antibodies immunoreactive with the polypeptide, and methods to identify modulators of binding between the CREB polypeptide and its binding partners.

I. Documents Submitted

The following is a list of documents cited on the accompanying Form 1449 and the location in the specification of the present application to which is mentioned.

Document	Page
C1	24
C2	11
C3	8
C4	18
C5	24
C6	20
C7	9
C8	24
C9	9
C10	7
C11	24
C12	20

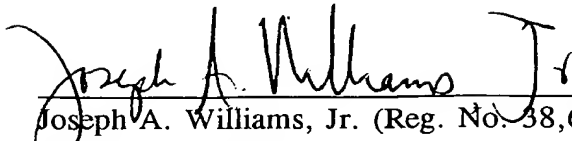
II. Summary

None of the documents listed herein disclose or suggest the novel isoform of the cyclic AMP regulatory element binding protein (CREB), polynucleotides encoding the polypeptide, expression constructs comprising the polynucleotides, host cells transformed with the polynucleotides, methods to produce the polypeptide, antibodies immunoreactive with the polypeptide, and methods to identify modulators of binding between the CREB polypeptide and its binding partners. If further comments on any of the foregoing documents would be of assistance to the Examiner, advice of the same is requested.

Respectfully submitted,

MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BORUN

By



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April 22, 1997